

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DAVID S. CHANEY
4 Chief Assistant Attorney General
5 ROCHELLE C. EAST
6 Senior Assistant Attorney General
7 THOMAS S. PATTERSON
8 Supervising Deputy Attorney General
9 TRACE O. MAIORINO, State Bar No. 179749
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5975
14 Fax: (415) 703-5843
15 Email: Trace.Maiorino@doj.ca.gov

16 Attorneys for Defendant Puckett

17

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21

DALLAN A. LOUIS,

Plaintiff,

22

v.

23

S. PUCKETT.

Defendant.

24 C 07-6293 JSW

25 **DECLARATION OF S.
26 PUCKETT IN SUPPORT OF
27 MOTION FOR SUMMARY
28 JUDGMENT**

I, S. Puckett, declare:

1. I am a correctional officer at Salinas Valley State Prison (Salinas Valley). I have been
employed by the California Department of Corrections and Rehabilitation (CDCR) for
approximately two years and four months.

2. I understand that Plaintiff has named me as a defendant in the above-entitled action. I
have reviewed the complaint in this action and understand that Plaintiff has alleged that I deprived
him of his mail on December 4, 2006, in violation of the First Amendment.

3. On December 4, 2006, I was assigned to work at Facility C, Building 7 at Salinas
Valley. There are approximately 128 inmates housed in Facility C. On that day, my duties were

1 to supervise inmates while they exercised on the exercise yard, escort inmates to and from the
2 showers, distribute and collect feeding trays, and distribute mail.

3 4. On a typical day, the inmates are permitted to leave their cells and exercise on the yard.
Inmates return to their cells at approximately 3:15 p.m. Once all inmates are secured in their
4 cells, the daily mail is typically distributed to the inmates. The distribution of mail usually takes
5 between fifteen to thirty minutes, depending on the amount of mail to be delivered.

6 5. After mail distribution, the inmates are provided an opportunity to shower and are fed
7 their evening meal. Approximately one-half of the inmates shower before meal distribution,
8 while the remaining half shower after meal distribution. My duties require me to supervise the
9 inmates during the time that they travel from their cells to the showers. At times, I am required to
10 escort inmates from their cells to the showers and back. Typically, meal distribution begins at
11 approximately 4:30 p.m. Inmates are fed their evening meals inside of their cells. As such, my
12 duties require me to distribute the meal trays to each inmate in his cell, and collect the meal trays
13 after the inmates finish their meals. It takes approximately two to four hours for all inmates to
14 shower and complete their evening meal.

15 6. On December 4, 2006, Plaintiff came in from the yard and asked me for his mail before
he returned to his cell. In accordance with procedure, I told Plaintiff that he would not receive his
16 mail until all the inmates returned from the yard and were secured in their cells. Plaintiff became
17 visibly upset and uncooperative. He initially refused to return to his cell until he received his
18 mail, but later complied.

19 7. Once the inmates were secured in their cells, I began to distribute the mail. I
approached Plaintiff's cell and saw that he remained angry. Plaintiff continued to demand his
20 mail in an assaultive tone. I did not deliver Plaintiff's mail to him at that time. I advised Plaintiff
21 that he needed to remain calm and not become agitated about his mail. I continued to deliver mail
22 to the other inmates. Once I delivered the remainder of the mail, I returned to Plaintiff's cell to
23 deliver his mail to him. Approximately fifteen to twenty minutes had passed. I approached
24 Plaintiff's cell and saw that he had "boarded-up" his cell window by placing an item over the
25 window. This obstructed the view and I could not see inside of Plaintiff's cell. An inmate is not
26 27 28

1 allowed to "board-up" his cell window at Salinas Valley because it prevents the correctional staff
2 from ensuring that the inmates are not engaging in wrongful behavior. I instructed Plaintiff to
3 remove the item from his window and offered his mail to him. Plaintiff refused to remove the
4 item from his window and refused his mail. He demanded to speak with my supervisor, the
5 sergeant on duty.

6 8. I immediately contacted my supervisors, Sgt. Jones and Sgt. Allen, who contacted
7 Plaintiff at his cell. Once Sgt. Jones arrived at Plaintiff's cell, Plaintiff immediately removed the
8 item from his window. I gave Sgt. Jones Plaintiff's mail and Sgt. Jones delivered the mail to
9 Plaintiff. Consequently, all incoming mail addressed to Plaintiff and delivered to Facility C,
10 Building 7, at Salinas Valley on December 4, 2006 was delivered to Plaintiff on that same day.

11 9. At no time did I withhold Plaintiff's mail because of it's content, type, or appearance.
12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on July 15, 2008 at Soledad, California.

14
15 
16 S. PUCKETT

17
18
19
20
21 20122595.wpd
22 SF2008401774

23
24
25
26
27
28

Decl. Puckett Supp. Def.'s Mot. Summ. J.

D. A. Louis v. Puckett, et al.
C 07-6293 JSW